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SALT LAKE CITY. - JULY 31, 1903.

THE POLL TAX CONTROVERSY.

Our friends in this city who have paid or worked out their poll taxes, under the provisions of a city ordinance which has been judicially declared invalid, should not become excited over the alleged unlawful enforcement of the law, nor imagine, as suggested by some enthusiasts, that they can recover from the city the amounts they have paid in eash or labor. Apart from the trouble and expense of litigation over the small amount involved in each case, is the obstacle that they did not pay under protest, and so their cause has lapsed and they are not likely to succeed in a suit-at-law.

There is another consideration: While the chief point in the demurrer, entered by the defendant in the suit of the city to compel payment of poll-tax and which was sustained by the city court, affects the validity of the city ordinonce, and so applies to the general question of the right of the city to levy and collect such a tax from anybody, there are two more judicial guesses to come; namely, of the District court and the Supreme court to which an appeal can be taken if necessary. So, people wha have settled their polltax had better not rush in a hurry to try and recover their little three dollars apiece.

There is still a question to be decided in the case under consideration. The City Council, as long ago as April 6, 1886, passed an ordinance requiring two days work or three dollars lawful money, as an "annual poll-tax upon every man in the city over twenty-one and under fifty years of age, who was not physically incapacitated to work." This was done under the provisions of the general politax law of March 11, 1886, which required this tax of all such persons, and gave authority to towns and cities to collect it, "under such regulations as may be by ordinance provided," The power of the city to pass the ordinance and collect the poll-tax was therefore clearly conferred by the Legislature. Let this be

carefully borne in mind. When the statutes of Utah were revised in 1898, the laws respecting the powers of the cities under their respective charters were compiled, and a repealing clause embodying the provisions of sections 1720 and 1721 of the laws of 1888, appeared as Section 311. It is now argued and so ruled upon by Judge Tanner, that under that section, authority to collec' a polltax was taken from this city under the ordinance to which we have referred, because the power to levy and collect such a tax is not included in Title 10 of the Revised Statutes, which is in the nature of a new charter to cities and towns, and which repeals "all the special charters of all cities and towns in this State and all amendments thereto." The decision amounts, then, to this: The city ordinance which has been in force since 1886, and appears anew in the ordinances of 1892, has been invalid since the passage of the Revised Statutes of 1898, because of the repealing clause which we have cited.

But a little close investigation wil show that the City Council, in passing the polltax ordinance, did not proceed under any special or general charter re pealed in 1898, but under the power given by the general polltax law of 1886, which is included in the Revised Stattites of 1898 and is still in force as Sec. tion 1743, and provides that:

"Within incorporated cities or towns said politax may be collected and ex-pended under such regulations as may be by ordinance prescribed."

It is evident that the fact has been overlooked, that the City Council in passing the politax ordinance did not act under any "special charter, for that only gave the power to impose one day's labor or one dollar and a half cash on each person limble, while the statute we have quoted permits the levy and collection of twice that amount, and that is what the city by ordinance has imposed.

It is not surprising, considering his record, that the City Attorney blundered in making the misjoinder of parties plaintiff in the suit before the court, but it is strange that neither the lawyers nor the court perceived the important point to which we have here

drawn attention. No one contends, we understand, that the City Council has not the power, now, under Section 1743 of the Revised Statutes of 1898 to pass an ordinance requiring a two-days' politax. Well, then, that power has existed from the time the law was passed, which was March 11, 1886, and was acted upon by the they will deliberate upon the subject of council on April 6 of that year and therefore the politax ordinance, not being passed under any special city charter but under a statute that has not been repealed, must be as good today as ever, and as valid as a new ordinance would be if passed now under the same

The repealing section of the city charters also has a provise which is of some importance, viewed in the light of the law that we have cited. It is this:

n force in any city or town shall continue in full force and effect until re-pealed or amended, notwithstanding the change herein provided for, so far as such ordinances and resolutions are not n conflict with the provisions of this

there is quite an opening for an argument as to whether the ordinance in question is really in conflict with the provisions of Title 10. But seeing that it was not passed under any charter repealed by that title its validity under section 1703 seems to be fully established.

We are not in favor of a poll-tax at all. It is a relic of early provincial times. The roads and streets and highways should in our opinion be made and kept in repair out of general taxes for the purpose. A poll-tax is unfair and partial and imposes on a few individuals' work for the benefit of the entire public. It ought to be abolished. But it is now required by law and that should be complied with while it remains upon our statutes and ordin-

A NATIONAL DISEASE.

Not long ago, Professor James, of Harvard, took occasion to express his views on lynching. Briefly stated, it is that such outbursts of lawlessness mark a distinct lapse from civilization. That is a sad commentary on our own brand of it, but who can deny the truth of that statement? The civilized world has so long been unconcerned spectators to Armenian massacres, and other atrocities committed at its very threshold, that it is no wonder the contagion has spread. When the fifth is permitted to accumulate around a house, disease will soon enter it. And that is the case with the civilized world. As the professor puts it, the lynching madness is no translent contagion, but "a profound social disease, spreading now like a forest fire and certain to become permanently endemic in every corner of our country, unless heroic remedies are swiftly adopted to check it." The professor predicted, three years ago, that sooner or later there would be civil war between the races, and he now says "there is nothing now in sight to check the spread of an epidemic far more virulent than the

Professor James is right in his estimate of human pature, when he states that only the greatest pressure can keep the beast within from breaking out. He justly observes that "the average church-going civilizee realizes, one may say, absolutely nothing of the deeper currents of human nature, or of the aboriginal capacity for murderous excitement which lies sleeping even in his own bosom. Religion, custom, law and education have been piling their pressure upon him for centuries, mainly with the one intent that his homicidal potentialities should be kept under, . . But the watertight compartment

in which the carnivora within us is confined is artificial and not organic. It will never be organic. The slightest diminution of external pressure, the slightest loophole of licensed exception, will make the whole system leaky, an murder will again grow rampant."

Perhaps the truth of these observations was never better illustrated than in the case of the Danville mob murder, last week. Danville is a civilized city of 15,000 people, having schools, churches, and newspapers. But suddenly, as if the entire community had become possessed by demons, all law and order were overturned. A negro had committed a crime. The officers had him, and justice would certainly have been meted out to him. But the mob gathered, crying for vengeance. Murder was comitted on the way to the jail. The prison was then attacked and a courageous sheriff fought off the miscreants; the latter rushed off to glut their fury on another negro, who was lynched with every circumstance of atrocity; the militia was called out, and Danville was saved by military rule from being sacked by its own citizens. And while these horrors are taking place in the north, two simultaneous lynchings occur in the south-one of them of a woman ,the other of "the wrong negro"-and another lynching is threatened and barely averted in Pennsylvania. And so it goes. It certainly looks as if the observation of Prof. James

was true, that we are passing through

an epidemic of lawlessness. It is something to study this loathsome disease philosophically, and another to suggest a proper treatment, And there is but one. Officers of the aw everywhere must do their duty, and be held to strict account, if they fall to do it. Lynchers should be shot down, as wild beasts, if they refuse to listen to reason, and disperse. And all who aid and abet in the bloody work should be found by the law, and treated as they deserve. A sacred duty is incumbent upon every law-abiding citizen, to ise his influence to bring about a more ational sentiment among the people every where on this question. The state. nent that lynching is but a manifestation of an uncontrollable craving for justice, is false as the dark pit where it first originated. Lynching represents nothing but the bloodthirsty instinct. against which civilization has slowly and laboriously raised a barrier of law and courts. The idea of the spirit that prompts mob murders is, to break down these barriers, to let in again the flood of barbarism which means deas moral.

THE ZIONIST CONGRESS.

On the 23rd day of August the Zionists will hold their 6th annual congress in Basie. It is expected that 400 delegates will be present, representing almost every country on the earth. And a home for the oppressed children of Judah. Herzl will be there, and Zanguill, and Gotthell and many other distinguished leaders.

But what makes this congress of over the ming importance, is the fact that it is expected at this gathering, that plans will be presented and dis- the Culans Myed under the king. But cussed, of a most practical character. I this little uprising is born to blush un-The tragedy of Kishineff, and the re- seen and waste its sweetness on the fusal of the Czar to listen to a respectful prayer for protection, have centered "The ordinances and reclutions now | the interest of Jews all over the world

in such plans, because it is apparent that outside of Zionism there is no salvation. And Mr. Herzl has promised his followers that something practical will be offered to them. To the annual convention of American Zionists Apart from the reasons we have given | held a short time ago in Pittsburg, he sent this message:

"The situation of our Russian brethren is very serious, and calls for our most earnest attention. A great emigration movement from Russia is to be expect-ed. We shall bring to the Basic conress a program which, we believe, will

In a letter to American friends, he also

"The actions committee is fully conscious of the serious import of the situluties. After having worked unceas-ngly for the preparation of our program the committee will bring its plans before the congress. These proposals will be open for discussion in Basle. The sixth congress will surely express tself for the continued progress of the groups of Zionists have been formed in South Africa, Algeria, Morocco, Tunis, South America, India and Australia, We also expect for the first time dele-gates from Greece, Morocco and In-

What the plan that is to be presented s, does not seem to be generally known, but there is some talk of negotiations with the English government for the purchase of a large stretch of land in Egypt adjacent to Palestine. The result of these negotiations will be heard at Basie. In some quarters it is believed that the purchase has already been made. This may be a good preliminary to the colonizing of Palestine. Possibly the road to the land of promise again goes over Egypt.

Not only Jews, but others who believe in the final restoration of the nation, will watch the Basic congress with intense interest. For the hope of that nation-Israel and Judah-is the hope of the world.

COLOMBIAN PATRIOTISM.

Report now has it that the Colombian congress is about to ratify the Canal treaty, with an amendment which raises the sum this country has to pay, from \$10,000,000 to \$25,000,000. Hitherto the question with the Colombian patriots has been the impossibility of allienating Colombian territory, out it now turns out that a few million dollars will settle the patriotic difficulties. The question of money has been thoroughly considered in this country, and \$10,000,000 has been thought fair. It is not probable that another fifteen millions will be added. The benefits to Colombia of this canal will be so great, that the country could afford to grant all necessary concessions gratuitously. The United States want that canal built, but not if it must submit to being swindled.

That uprising in Cuba is at most but case of atavism.

"Ask and ye shall receive" was never written of the railways.

King Edward's tour of Ireland is drawing to an end-Land's End. Mary Ellen Lease has turned spirit-

nalist. In Kansas she once turned ta-Kansas City's new directory indicates

population of 250,002. This is 2 utter-Just one more month for the summer

girl, for September will take a fall out of her. The President is going to sound the financiers, presumably to see if they

are sound. It was an ill wind last night, but it blew some good, it being considerably

cooler today. The Washington Bookbinders' union has found that there is strength in Union as well as union in strength.

Mr. Roosevelt is a man of very broad views. The country never had a President who (brigadier) generalised as

Hoston negroes came near assaulting Booker T. Washilngton. Was it not in Boston that William Lloyd Garrison was once mobbed?

There are thirty-three brigadier-generals now. This indicates that we are becoming a nation of generals rather han of colonels.

The Furniture men's convention had more presiding officers than any other convention that was ever held. Each nember was a chairman.

Latest reports from "Mother" Jones are that she is still at Sagamore Hill trying to find the latch string that loesn't always hang out.

ire congratulating themselves while hose who have are priding themselves on their good citizenship. How those Missouri delegates must

wish they were Missourl judges that hey might impose five hundred dollar fines upon those who criticise them! 'A well-equipped eye sanitarium will soon be traveling through Egypt in a

tent," says an exchange. The outfit struction and ruin, intellectual as well is trespassing on Colonel Sellers' pre-A history of the Standard Oil com-

pany has been written. Professor Triggs of Mr. Rockefeller's University of Chicago doubtless regards it as standard literature

The Central Labor Union of New York has officially decided that the jurisdiction of barbers over their patron; ontinues even after death. No gov ernment by injunction ever made such

To read of an uprising in Cuba sounds ite the good old Spanish days when

The cardinals have visited the "cells"

they are to occupy during the conclave and are not very enthusiastic over them. The object is to expedite the work of electing a pope, and the "cells" answer the same purpose that locking a jury up and giving them nothing to eat does.

The other day a fad was shot with 1 .22 rifle by his companion, who was out shooting at sparrows. It was a very distressing and regrettable accident that easily might have been avoidd, that is by the boy's parents forpidding him to shoot birds in the city. It is a bad practice, too frequently indulged in by boys, and is in direct violation of the city ordinances. The .22 rifle is only less deadly than the toy

CASSIUS M. CLAY.

Portland Oregonian. Hon. Cassius M. Chy and Pope Leo XIII were born in the same year (1810) and within a few months of each other. he difference in the retention of men al and physical vigor by different men is shown in the conditions in which these two men passed the later years their long lives. Temperament, en ing forces of these lives. Both were men of superior intelligence, both were active in the affairs of life as these came to the lot of each, and both were The serenity of Leo was that of a scholar, an ecclesiastic, a recluse, a man to whom honers came: the unrest of Clay was that of a man of pronounced physical as well as intellectual vigor, worldly cares and aspirations, a offician and statesman accustomed to ontend stoutly for what he won in the attle of life. The one passed serene-out, though with a conserved vital orce that protested against death un-i the last: the other passed out storm-lay, fighting to the end, his mind in sad

Kansas City Star.

Cassius M. Clay, who died yesterday at the advanced age of 93, was, in his prime, a figure of notable consequence. The last years of his life were given over to eccentricities that denoted a lack of mental responsibility, due, per haps, to senility and a naturally errationature. But Cassius M. Clay made a place for himself in Kentucky history and his part in national politics, including two separate assignments as minister to Russia, gave him general prominence. Clay was a conspicuous type of those few hardy Southerners who stood out against the almost un-animous sentiment of the South on the slavery question. His pugnacity, and the abundant causes that prompted it to action, made him a veritable crusader in the cause of abolition. His daring in attempting to publish an an-ti-slavery paper in Kentucky, and in going on the stump for his cause, be tokened both courage and recklessness The strange thing about the history of Cassius M. Clay is that one who took so many chances should have lived far beyond the average allotment of life.

Boston Transcript.

To the present generation he had become but a name long before he died. His last years passed in a sort of cclipse, and the public heard of him from time to time, as an eccentric grown senile, but he was ever the same men. capable of fighting at the slight-est provocation and equally capable of admiring a rare picture or enjoying a rare book. He has passed away at the great age of ninety-three, and his years have constituted to many his sole claim on their interest. We may add that the lives of Cassius Clay and his father, General Green Clay, spanned 146 years, and that the latter was born ish subject before George III came to

Boston Herald.

The generation now on the stage certainly the younger part of it, knows little of what Cassius M. Clay was in his strenuous manhood. From 1840 to men in the United States, and in evidence most of the time. A typical product of Kentucky and its school of honor, he held himself amenable to the ideals of social life and personal responsibility for his opinions that w in favor there. He was rich, educat handsome eloquent, and there is lit doubt that, if he had been co placent on the topic of slavery, he could have had any office that the people of the state could command for him. But from his, youth he was a vehement anti-slavery man in a slave state.

New York Mail and Express.

A melancholy end to a stormy, undis iplined life is the demise of Cass Marcellus Clay. His career was one unruled impulse, of convictions obstinately perverse to his ancestry and as sociations, of argument backed with shotguns, of bloody encounters, of im ossible diplomacy, of passion that decentrated into senile extravagance, an Watterson describes Clay as a glant and as a lion. He was a glant who never directed his own strength, a lion lashed his power into the shred of aimless rage. Yet throughout his fretted years there runs a strain of great heartedness and of loveable qual-Yet throughout hi y that made men condone his eccen-

A NEW NEBUCHADNEZZAR.

New York Commercial Advertiser. Dr. Edward Stanton, a character of Cokomo, Ind., for 60 years, died re-ently, aged 80 years. Years ago Stanon lost his practice and fortune, and taffected his mind. Since then he has magined himself an ox, and grass an ay was his principal dict. He walked in all fours in the pasture of the coun farm, grazing constantly with ttle, horses and sheep. He alm it his power of speech, and of Those who haven't paid their poil-tax ral sounds, resembling those of a limal. He died suddenly, with mout and stomach filled with grass. It thought poisonous herbs killed him.



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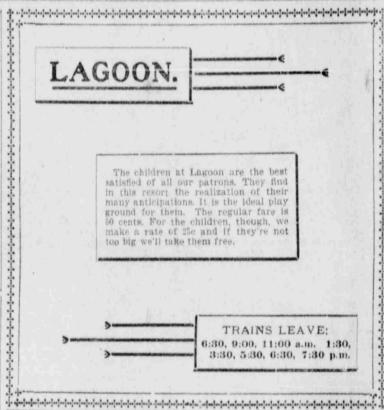
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